IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 23390 OF 1999

Date: 25.11.2005

BETWEEN:

O. Appa Rao

.... PETITIONER

And

1. Superintendent Engineer, NH-S, Division, R & B Campus, NH-5 Road, Visakhapatnam, and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 23390 OF 1999

ORDER:

The petitioner claims to be the owner of the house bearing Door No.50-2-55 in S.No.1600 situated at P & T Colony, Gandhinagar, Visakhapatnam, which he allegedly purchased under a registered sale deed. He constructed additional sheds, and started a servicing station. The third respondent herein issued a notice dated 6.11.1999 to the petitioner informing that he has occupied national highway land and constructed service station, and that in W.P.No.22775 of 1999 the High Court directed to take necessary action against the petitioner and therefore, he was requested to remove temporary structures from

the National Highway within three days. This notice is assailed in this writ petition.

This Court while admitting the writ petition on 10.11.1999 directed the respondent not to demolish the existing structures, if any, on the plot bearing Municipal No.50-2-55 situated at P & T Colony, Gandhinagar, Visakhapatnam. It is now brought to the notice of this Court that even before the orders were passed, the respondents removed the service station on the National Highway in accordance with the orders of this Court in W.P.No.22775 of 1999 dated 1.11.1999. Be it noted, the said writ petition was filed by the respondents 5 to 7 alleging that the petitioner herein occupied the road margin obstructing their pathway. Then this Court passed the orders as above.

In the counter affidavit filed by the third respondent it is stated that the petitioner is not the owner of the land; that it was acquired and compensation was also paid, and that the petitioner was only an encroacher upon the land. No reply affidavit is filed denying these allegations. In view of the factual situation brought out by the respondents in their counter affidavit, the Writ Petition is misconceived, and the same is accordingly dismissed. No costs.

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(**V.V.S. RAO, J.)**

25th November, 2005

Js.